

Cooley

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Via ECF

May 20, 2021

APPLICATION GRANTED
SO ORDERED

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
Courtroom 12B
500 Pearl Street
New York, New York 10007-1312


John G. Koeltl, U.S.D.J.

5/21/21

Re: Mirror Worlds Technologies, LLC v. Facebook, Inc.
Civil Action No. 1:17-cv-03473 (JGK)

Dear Judge Koeltl:

We represent Defendant Facebook, Inc. ("Facebook") in this litigation. We write to request permission to file unredacted copies of Facebook's *Daubert* Motion to Exclude Certain Opinions of Eric Koskinen and certain supporting materials under seal, with redacted copies filed publicly as appropriate. The materials Facebook seeks to file under seal contain confidential and proprietary information related to Facebook's products and services, as well as sensitive business information and confidential communications with Facebook personnel, and should be sealed for the particular reasons set forth below.

Pursuant to Your Honor's individual practices, the parties have met and conferred regarding their respective requests to file certain materials under seal, and have endeavored to narrow their requests as much as possible.

Exhibit 1 to the Declaration of Heidi Keefe is the Opening Expert Report of Eric Koskinen, Ph.D. Regarding Facebook's Infringement of Mirror World Technologies, LLC's Patents, dated December 22, 2021. This exhibit contains extensive discussion of confidential and proprietary information related to the design and structure of Facebook's products, including citation to confidential internal Facebook documents and source code which have been designated "Highly Confidential – Attorneys' Eyes Only – Patent Prosecution Bar." Such information, if made public, would cause Facebook commercial and competitive harm by revealing to Facebook's competitors sensitive and proprietary information about the design and structure of Facebook's systems. Therefore, Facebook respectfully requests leave to file this exhibit under seal in its entirety.

Exhibit 5 to the Declaration of Heidi Keefe is an excerpt of the rebuttal expert report of Facebook's technical expert, Ravin Balakrishnan, dated February 12, 2021. This exhibit contains extensive discussion of confidential and proprietary information related to the design and structure of Facebook's products, including citation to confidential internal Facebook documents and source code which have been designated "Highly Confidential – Attorneys' Eyes Only – Patent Prosecution Bar." Such information, if made public, would cause Facebook commercial and competitive harm by revealing to Facebook's competitors sensitive and proprietary information about the design and structure of Facebook's systems. Therefore, Facebook respectfully requests leave to file this exhibit under seal in its entirety.

Exhibit 8 to the Declaration of Heidi Keefe is an excerpt of the expert report of Facebook's damages expert, Christopher J. Bokhart, dated February 12, 2021. This exhibit contains discussion of confidential and proprietary business and technical information, including citation to confidential internal Facebook



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documents as well as confidential deposition testimony. This Exhibit, which has been designated "Highly Confidential – Attorneys' Eyes Only – Patent Prosecution Bar," further contains sensitive and confidential information related to Facebook's business practices and licensing practices. Such information, if made public, would cause Facebook commercial and competitive harm by revealing to Facebook's competitors sensitive and proprietary information about Facebook's products and business practices. Therefore, Facebook respectfully requests leave to file this exhibit under seal in its entirety.

Exhibit 10 to the Declaration of Heidi Keefe is an excerpt of the expert report of Plaintiff's damages expert, Jim W. Bergman, dated December 22, 2020. This exhibit contains discussion of confidential and proprietary business and technical information, including citation to confidential internal Facebook documents as well as confidential deposition testimony. This expert report, which has been designated "Highly Confidential – Attorneys' Eyes Only," further contains sensitive and confidential information related to Facebook's business practices and licensing practices. Such information, if made public, would cause Facebook commercial and competitive harm by revealing to Facebook's competitors sensitive and proprietary information about Facebook's products and business practices. Therefore, Facebook respectfully requests leave to file this exhibit under seal in its entirety.

For the foregoing reasons, Facebook respectfully submits that filing under seal is warranted as to the items described herein.

Respectfully submitted,

/s/ Heidi L. Keefe

cc: All Counsel of Record via ECF